

FISCAL NOTE

HB 2812 - SB 2776

February 27, 2004

SUMMARY OF BILL: Provides the following regarding methamphetamine:

- Creates a Class E felony for any person to possess or convey any substance with intent to use it to manufacture a Schedule I or Schedule II controlled substance. If substance that is possessed is a mixture containing ephedrine, the violation will be a Class C felony;
- Creates an offense for a person knowingly to allow a child to be present within a structure where methamphetamine is being manufactured. If the child is over six years of age, the offense will be punished as a Class E felony; if the child is six years of age or less, the violation is a Class D felony;
- Provides that violations involving 0.5 grams or more of methamphetamine will be punished as a Class B felony. Currently, the violation is punished as a Class C felony. If the offense involves less than 0.5 grams but the defendant carried a deadly weapon, the violation is punished as a Class B felony;
- Provides a lower threshold amount from 1,000 grams to 300 grams for a Class A felony offense involving the manufacture, delivery, sale, and possession of methamphetamine.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$7,500,100/Incarceration*

Assumes offenders will receive additional sentences or elevated sentences for offenses involving methamphetamine as follows:

- 10 offenders will be convicted of Class E felony offenses for possession of any substance with the intent to manufacture methamphetamine;
- 72 offenders will have sentences elevated to Class C or Class B felony offenses for manufacture of a mixture containing ephedrine depending upon the quantity;
- 180 offenders will be convicted of a Class E or a Class D felony for child abuse, depending upon the age of the child, when a child is present during the manufacture of methamphetamine;
- 150 offenders will have sentences elevated from a Class C felony to a Class B felony for possession of 0.5 grams or more. Possession of 0.5 grams remains a Class C felony ;

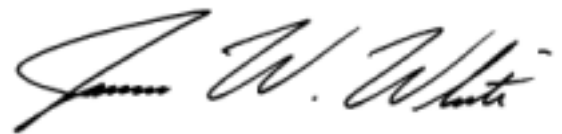
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- 10 offenders will have sentences elevated from a Class C felony to a Class B felony for possessing less than 0.5 grams and also possessing a deadly weapon;
- One offender will have a sentence elevated from a Class B felony to a Class A felony by lowering the amount of methamphetamine possessed from 1,000 grams to 300 grams.

**Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director